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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/185,208 11/03/98 FAGAN

M 54537USA3A

EXAMINER

IM22/0121

3M OFFICE OF INTELLECTUAL PROP COUNSEL
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JESSEN, D

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

01/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/185,208

Applicant(s)
Fagan et al.

Examiner
D r k J s s n

Group Art Unit
1772

☒ Responsive to communication(s) filed on Jun 17, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5,7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Butler et al., (5,928,726). Butler et al. discloses in Fig. 1D a microscopically textured glossy coated film as a tape with a top layer of low adhesion backsize of one pattern and a second pattern and a layer of permanent adhesive on the bottom surface. (See col. 2, lines 11-23, lines 46-68; col. 3, line 3-7; col. 4, line 5-14; col. 5, lines 35-50; col. 6, lines 1-38; col. 7, lines 7-15). Butler et al., also teaches that finely divided, fumed or precipitated silica can be used as a particulate filler. Butler et al. also teaches that the coating can be 0.01 to 25 microns. Butler et al. teaches that any random or symmetric pattern or absence of a pattern or a combination thereof can be made on the film as the manufacturer desires.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

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rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. in view of Frognet et al. (5,178,942). Butler et al., as discussed above, discloses in Fig. 1D a microscopically textured glossy coated film as a tape but fails to expressly disclose an amorphous silica particulate filler. Frognet et al., however, discloses that amorphous silica is particularly well-suited as an antiblocking additive in a film. (See col. 11, lines 35-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Frognet et al. to provide Butler et al with amorphous silica.

5. Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. in view of Blackwell et al. (5,401,547). Butler et al., as discussed above, discloses the tape film as claimed but fails to disclose the tape is in the form of a roll or stack of strips wherein the low adhesion backsize of a film layer below it is adjacent to the permanent adhesive layer below it. Butler et al. also fails to teach two different low adhesion backsize regions on the tape. Blackwell et al. teaches that adhesive tape with low adhesion backsize layer are conveniently dispensed in roll form manually from dispensers and also may be dispensed in precut stacks of strips. (See col. 1, lines 21-37). Blackwell et al. also teaches that having two distinct areas of low adhesion

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backsize on a roll or stack allows for ease of dispensing the tape for its intended use. (See col. 3, lines 21-36). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Blackwell et al. to provide Butler et al with dispensed in roll form or in precut stacks of strips. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Blackwell et al. to provide Butler et al with distinct areas of low adhesion backsize on a roll or stack of sheets.

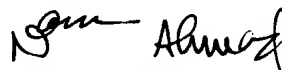
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek Jessen whose telephone number is (703) 305-0514. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m. If the attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ellis P. Robinson, can be reached by dialing (703) 308-2364. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry or a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



DSJ

January 13, 2000



NASSER AHMAD
PRIMARY EXAMINER
GROUP 1300
TC-1700